THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.7512 of 1998

DATED: 22-06-2007

Between:

P.V.V.Satyanarayana

... Petitioner.

And

The Govt. of A.P., rep by
Secretary, department of Cooperation
And another.

... Respondents.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.7512 of 1998

ORDER:

This writ petition is filed for a writ of mandamus to direct respondent No.3 to treat the petitioner as an employee of the District Cooperative Central Bank, Kakinada, East Godavari District with effect from 1.12.1978 and by declaring that the petitioner is having lien in the service of the Bank. The petitioner also sought for consequential directions to respondents to pay all incidental benefits including the promotion and fixation of arrears of salaries.

The petitioner claims to have been appointed as a Clerk on consolidated pay of Rs.250/- on 1.12.1978 in the District Cooperative Central Bank, Kakinada and that he worked in the said bank till 2.12.1980. It is the further case of the petitioner that on 3.12.1980 the petitioner was appointed as Paid Secretary without his consent in the Rajahmundry Telecommunication Employees Cooperative Credit Society Limited. Since then the petitioner had been transferred to a number of Primary Agricultural Cooperative Societies (PACS) and at the time when he filed the writ petition he was transferred to PACS Guttinadevi, I-Polavaram

Mandal, East Godavari District and had been working at that place. The petitioner claims that since his substantive appointment was made by the 3rd respondent Bank he cannot be transferred from the said place to various PACSs.

Respondent No.3 filed a counter affidavit in which it is stated that the petitioner was never an employee of respondent No.3 bank and that he is a decaderised secretary working in Guttinadeevi PACS. In the counter affidavit it is denied that the petitioner was appointed by the 3rd respondent Bank. It is stated that the Rajahmundry Cooperative Central Bank was merged with respondent No.3 with effect from 14.7.1987 after introduction of single window system and all the employees of erstwhile Rajahmundry Cooperative Central Bank were transferred to the 3rd respondent Bank with effect from 14.4.1987; that the files relating to the services of all the employees were shifted to the 3rd respondent Bank; that no file relating to the petitioner was transferred to the 3rd respondent Bank from which it is clear that the petitioner was never appointed by the erstwhile Rajahmundry Cooperative Central Bank as its employee. It is further stated that even according to the averments contained in the writ affidavit petitioner was posted as Secretary at Paidipaka PACS from 19.7.1993 and at Vemagiri PACS on 18.10.1993; that decaderisation of Paid Secretaries took place on 1.1.1984 and that prior to decaderisation the petitioner was working only as a Paid Secretary and not as employee of the Rajahmundry Cooperative Central Bank.

Heard Sri T.S.Reddy, learned counsel representing the

petitioner and Sri A.B.S.Reddy learned counsel appearing for respondent No.3.

Though the petitioner claimed that he was appointed by the erstwhile Rajahmundry Cooperative Central Bank Limited on 1.12.1978 and worked there till 2.12.1980, the petitioner has not filed his order of appointment. It might quite well be that as evident from the service certificate dated 2.12.1981 the petitioner may have worked in the erstwhile Rajahmundry Cooperative Central Bank, but this service certificate, in the absence of order of appointment, does not support the case of the petitioner that he was appointed by the said Bank and worked in that Bank as an employee of that Bank. In the counter affidavit of respondent No.3 it is asserted that the petitioner worked only as Paid Secretary in the erstwhile Rajahmundry Cooperative Central Bank. In the absence of any evidence adduced by the petitioner in support of his claim that he was appointed by Rajahmundry Cooperative Central Bank, the assertion of respondent No.3 that the petitioner worked only as a Paid Secretary deserves to be accepted. It is not in dispute that before decaderisation of the Paid Secretaries in the year 1984 the appointments of Paid Secretaries were made on a centralized basis and they were being allocated to different Cooperative Societies including the Central Banks. The petitioner's must have been one such case where he was appointed as Paid Secretary and allotted to the erstwhile Rajahmundry Cooperative Central Bank. In any event the petitioner without substantiating his claim that he was appointed by the erstwhile Rajahmundry Cooperative Central Bank as its

employee, the relief sought for by him in the writ petition that the respondent should treat him as an employee of the 3rd respondent Bank cannot be granted.

For the aforementioned reasons, the writ petition is dismissed. No order as to costs.

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C.V.NAGARJUNA REDDY,J

Date:22.06.2007
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